

GOVERNMENT

SIKKIM



GAZETTE

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**GOVERNMENT OF SIKKIM
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
SECRETARIAT ANNEXE-I, SONAM TSHERING MARG, GANGTOK-SIKKIM**

No.4/WM/FCS&CA

Dated: 18.2.2009

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), the State Government hereby makes the following rules further to amend the Sikkim Consumer Protection Rules 2006, namely :-

***Short title and
commencement***

1. (1) These rules may be called the Sikkim Consumer Protection (Amendment) Rules, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

***Amendment of
rule 11***

2. In the Sikkim Consumer Protection Rules, 2006 (hereinafter referred to as the said rules), for the existing sub-rules (1) and (2) of rule 11, following shall be substituted, namely :-
 1. (a) The President of the District Forum shall be entitled to pay and allowances payable to a sitting District Judge (minus pension drawn, if any).
 - (b) Members of the District Forum appointed on whole time basis shall be entitled to Rs. 15,000/- per month by way of honorarium plus Rs. 3000/- as conveyance allowance per month.
 - (c) Member of the District Forum appointed on part-time basis shall be entitled to honorarium of Rs. 600/- and conveyance allowance of Rs. 150/- per day's sitting:

Provided that a sitting District and Session Judge is appointed President of the District Forum on part time basis shall be entitled to honorarium of Rs. 350/- and other Government servant is appointed on part time basis shall be entitled to honorarium of Rs. 300/- per day's sitting.

2. (a) The President and the Members of the District Forum shall be entitled for such traveling allowances and daily allowances on official tour as are

**Amendment of
rule 18,**

admissible to the District Judge and Group 'A' Officers of the State Government respectively.

(b) The salary, honorarium and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

3. In the said rules, for the existing sub-rules (1) and (2) of rule 18 following shall be substituted, namely :-

(1)(a) The President of the State Commission shall be entitled to pay and allowances payable to the sitting Judge of the High Court (minus pension, if any).

(b) Members of the State Commission appointed on whole time basis shall be entitled to pay and allowance as are available to a sitting District Judge. (minus pension, if any):

Provided that a Member of the State Commission appointed on part-time basis shall be paid honorarium of Rs. 1000/- and conveyance allowance of Rs. 300/- per day's sitting.

(2) The President and the Members of the State Commission shall be eligible for such traveling allowances and daily allowances on official tour as the Judge of the High Court and the District Judge respectively.

**Amendment of
the rule 21**

4. In the said rules, for the existing Table under rule 21, the following shall be substituted namely :-

"TABLE"

Sl.No.:	Total value of goods or service and the Compensation claimed:	Amount of fee payable:
1. DISTRICT FORUM		
(1)	Upto one lakh rupee for complainants who are under the below poverty line holding Antyodaya Anna Yojna cards.	Nil
(2)	Upto Rs. 10,000/-	Nil
(3)	Upto one lakh rupee for complaints other than Antyodaya Anna Yojna card holders	Rs. 100/-
(4)	Above one lakh rupees and upto five lakhs rupees	Rs. 500/-
(5)	Above five lakhs rupees and up ten lakhs rupees	Rs. 1,000/-
(6)	Above ten lakhs rupees and upto twenty lakhs rupees	Rs. 2,000/-
2. STATE COMMISSION		
(1)	Above twenty lakhs rupees and upto fifty lakhs rupees	Rs. 5,000/-
(2)	Above fifty lakhs rupees and upto one crore rupees	Rs.10,000/-

3. NATIONAL COMMISSION

- | | | |
|-----|-------------------------|---------------|
| (1) | Above one crore rupees | Rs.25,000/- |
| (2) | Above five crore rupees | Rs.50,000/- |
| (3) | Above ten crore rupees | Rs.1,00,000/- |

Insertion of a new rule

5. In the said rules, after rule 23 following rule shall be inserted, namely :-

" 23 (Programme and Orientation training). The programme and orientation training needs to be de-centralized at the headquarter level of the State Commission by conducting 15 (fifteen) days training programme to the newly inducted Members of the State and District Fora including the President of the District Fora so as to equip them with regard to the procedure to be followed while conducting the complaint cases so as to help them to avoid illegalities being committed for the smooth functioning of the District Fora. The training programme shall take care of following aspects, namely:-

- (1) Consumer protection Act 1986 and amendments in the Consumer Protection Act, their Judicial implication on different points.
- (2) A correct approach of judgement writing.
- (3) General principles of Consumer Protection Act to be followed by the Consumer Fora with reference to the settled law by the Hon'ble National Commission on the procedure of dealing the complaints by District Consumer Fora.
- (4) Settled law in deciding cases related to HUDA, Electricity, Insurance, Assurance Banking and telecommunications.
- (5) Procedure of institution, processing, granting of adjournments recording of zimmi orders, granting of interim injunctions, maintenance of institution and disposal register, maintenance of statistical information as per Consumer Protection Act and instructions issued by the Hon'ble National Commission from time to time.
- (6) A peep into Civil Service Rules so far as working of the District Consumer Fora is concerned demystified.
- (7) Canons of filing of properties, purchase procedure, store procedure, writing of loss etc., demystified.
- (8) Initiating of disciplinary action against the staff under various Rules / Government instructions issued by the State Government and writing of ACRS.

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